

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Robyn Smith for Devan VanBrunt, a minor,  
by his mother and natural guardian,

Plaintiff,

Civ. No. 11-1771 (RHK/LIB)  
**ORDER**

v.

Blitz U.S.A., Inc., *et al.*,

Defendants.

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Defendant Kinderhook Industries, LLC (“Kinderhook”) has filed a Motion to Dismiss the claims asserted against it in this action (Doc. No. 115), noticing its Motion for a hearing on August 24, 2012. Pursuant to the version of Local Rule 7.1(b) in effect at the time the Motion was filed, Plaintiff’s response to the Motion was due 21 days in advance of the hearing date, *i.e.*, August 3, 2012, and Kinderhook’s reply is due tomorrow, August 10, 2012 (14 days before the hearing date).

Plaintiff, however, did not file her opposition memorandum on August 3. Instead, on August 6, 2012, she served and filed a *redacted* memorandum in opposition to the Motion, along with several exhibits under seal. (See Doc. Nos. 123, 124.) According to Kinderhook, it did not receive an unredacted copy of the memorandum until August 7, and unsealed copies of the exhibits until August 8. (Doc. No. 125.) Because its reply memorandum is due on August 10, Kinderhook has now submitted a letter (Doc. No. 125) requesting additional time (until August 15, 2012) to consider Plaintiff’s belated

submissions and file its reply. Given the foregoing timeline and Plaintiff's dilatoriness, Kinderhook's request is well-received.

Based on the foregoing, and all the files, records, and proceedings herein, **IT IS ORDERED** that Kinderhook's letter request (Doc. No. 125) is **GRANTED**, and Kinderhook shall have until 12:00 p.m. (noon) on August 15, 2012, to serve and file its reply memorandum, and all supporting documents, in support of its Motion to Dismiss. At this time, the hearing on the Motion will remain as scheduled on August 24, 2012.

Date: August 9, 2012

s/Richard H. Kyle  
RICHARD H. KYLE  
United States District Judge